

Application No. 10/635,971
Amendment dated July 16, 2004
Reply to Office Action dated June 16, 2004

Remarks and Arguments

Claims 4 to 20 are currently pending. Claims 1-3 have been canceled, claims 4, 5, 8, 9, 11-14, 16 and 18 have been amended and claim 20, which corresponds to original claim 3, has been added. Applicants reserve the right to present any withdrawn or canceled subject matter in one or more continuation or divisional applications.

The Applicants thank the Examiner for the telephone interview on July 15, 2004, in which the Examiner stated that Applicants could present amended claims to a process of preparing compounds of formulae III-VI as described in claim 4 in lieu of election of one of the inventions described by the Examiner in the Office Action of June 16, 2004 as groups I, II and III. Applicants note that the inventions classified as groups I and II include intermediate steps in the process of preparation of compounds III-VI as recited in original claim 4. Claim 4 has been amended as an independent claim that includes the original limitations of the claims 1 and 2.

The Examiner has further imposed a species election of one of the methods of isolation described in claim 18: A) recrystallization; B) synthesis from optically active materials; C) chiral synthesis; or D) chromatographic separation using a chiral stationary phase. Applicants elect group D. It is noted that upon allowance of a generic claim, Applicants will be entitled to consideration of additional species.

Applicants believe these amendments and remarks address the Examiner's Office Action. No fees are believed to be due in connection with this response. However, should the Commissioner determine otherwise, he is authorized to charge any fees associated with this submission to Deposit Account No. 11-0980.

Sincerely,

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